

HOUSE AMENDMENT NO. ____

TO

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Offered By

1 AMEND House Amendment No. ____ to House Committee Substitute for Senate Substitute for
2 Senate Committee Substitute for Senate Bill No. 0755, page 1, Line 27 by inserting after line the
3 following:

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5 "Further amend said bill, Page 3 ,Section 43.265, Line 36 by inserting after all of said line the
6 following:

7 "195.417. 1. The limits specified in this section shall not apply to any quantity of such
8 product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy
9 pursuant to a valid prescription.

10 2. Within any thirty-day period, no person, pharmacist, intern pharmacist, or registered
11 pharmacist technician shall sell, dispense, or otherwise provide to the same individual, and no
12 person shall purchase, receive, or otherwise acquire more than the following amount: any number
13 of packages of any drug product containing any detectable amount of ephedrine,
14 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
15 optical isomers, either as:

16 (1) The sole active ingredient; or

17 (2) One of the active ingredients of a combination drug; or

18 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
19 subsection;

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21 in any total amount greater than [nine grams, without regard to the number of transactions] two
22 and eighty-eight one hundredths grams per transaction. Within any twelve-month period, the total
23 amount of all individual transactions under this subsection shall not exceed an aggregate amount
24 of twenty-three and nine one hundredths grams.

1 3. [Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered
2 pharmacist technician shall sell, dispense, or otherwise provide to the same individual, and no
3 person shall purchase, receive, or otherwise acquire more than the following amount: any number
4 of packages of any drug product containing any detectable amount of ephedrine,
5 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
6 optical isomers, either as:

- 7 (1) The sole active ingredient; or
8 (2) One of the active ingredients of a combination drug; or
9 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
10 subsection;

11
12 in any total amount greater than three and six-tenths grams without regard to the number of
13 transactions] Upon written application of a manufacturer, the department of health and senior
14 services may exempt by rule any product containing any compound, mixture, or preparation
15 containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or
16 any of their salts or optical isomers, or salts of optical isomers from the application of all or any
17 part of this section because the product is proven to not be feasible for the conversion of the active
18 ingredient into methamphetamine or its salts or precursors. For purposes of this subdivision,
19 "proven" includes but is not limited to the fact that the compound, mixture, or preparation releases
20 less than five percent of the active ingredient used for conversion into methamphetamine or its
21 salts or precursors. Upon notification from the state highway patrol that the patrol has probable
22 cause to believe that a product exempted under this subdivision is feasible for the conversion of
23 the active ingredient into methamphetamine or its salts or precursors, the department may issue an
24 emergency rule revoking the exemption for the product pending a full hearing.

25 4. All packages of any compound, mixture, or preparation containing any detectable
26 quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical
27 isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection
28 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where
29 the public is not permitted, and only by a registered pharmacist or registered pharmacy technician
30 under section 195.017.

31 5. Each pharmacy shall submit information regarding sales of any compound, mixture, or
32 preparation as specified in this section in accordance with transmission methods and frequency
33 established by the department by regulation.

34 6. This section shall supersede and preempt any local ordinances or regulations, including
35 any ordinances or regulations enacted by any political subdivision of the state. This section shall

1 not apply to the sale of any animal feed products containing ephedrine or any naturally occurring
2 or herbal ephedra or extract of ephedra.

3 7. All logs, records, documents, and electronic information maintained for the dispensing
4 of these products shall be open for inspection and copying by municipal, county, and state or
5 federal law enforcement officers whose duty it is to enforce the controlled substances laws of this
6 state or the United States.

7 8. Within thirty days of June 15, 2005, all persons who dispense or offer for sale
8 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in
9 subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind
10 a pharmacy counter where the public is not permitted.

11 9. Any person who knowingly or recklessly violates this section is guilty of a class A
12 misdemeanor."; and"; and

13 Further amend said title, enacting clause and intersectional references accordingly
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